

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**POONAM GROVER, ET AL.,**

*Plaintiffs,*

v.

**REYNOLDS AMERICAN, INC., ET AL.,**

*Defendants.*

Civil Action No. 19-18258

(JMV) (JBC)

**ORDER**

**John Michael Vazquez, U.S.D.J.**

This matter comes before the Court on a Report and Recommendation (“R&R”) filed by Magistrate Judge James B. Clark III on November 23, 2020. D.E. 13. The R&R, issued *sua sponte*, recommends that this Court dismiss Plaintiffs’ Complaint because Plaintiffs have failed to comply with Court orders and prosecute their case; and it

**APPEARING** that the parties were given notice that, pursuant to Federal Rule of Civil Procedure 72(b)(2), they had fourteen days to file an objection to Judge Clark’s R&R; and it

**APPEARING** that Judge Clark ordered Defendants’ counsel to serve a copy of the R&R on Plaintiffs by certified mail, return receipt requested, D.E. 13; and it

**APPEARING** that Defendants’ counsel filed a letter on December 8, 2020 indicating that they attempted service on Plaintiffs’ counsel at the addressed disclosed in the Complaint, but the mailing was returned as undeliverable and unable to forward. D.E. 14. Defendants’ counsel found an out-of-state address for Plaintiffs’ counsel, at which they attempted service; however, because

Plaintiffs' counsel failed to update his address with the Court, the Defendants requested that the R&R be issued after the fourteen-day period for raising an objection had expired; and it

**APPEARING** that this Court entered an order on December 11, 2020, requiring Defendants to serve Plaintiffs' counsel and file a certificate of service by December 31, 2020, and permitting Plaintiffs' counsel ten (10) days to raise an objection following service, D.E. 15; and it

**APPEARING** that Plaintiffs' counsel was served on December 28, 2020, D.E. 17; and it

**APPEARING** that neither party has objected and the time for filing any objections has expired; and it

**APPEARING** that "where no objections are made in regard to a report or parts thereof, the district court will adopt the report and accept the recommendation if it is 'satisf[ie]d' . . . that there is no clear error on the face of the record.'" *Sportscare of Am., P.C. v. Multiplan, Inc.*, No. 10-4414, 2011 WL 500195, at \*1 (D.N.J. Feb. 10, 2011) (quoting Fed. R. Civ. P. 72 Advisory Committee's Notes); and it

**APPEARING** that the Court has conducted a review of the record and the R&R, and hereby adopts it as the Opinion of this Court. Given Plaintiffs' repeated failure to participate in litigation they initiated, this Court concludes that Judge Clark appropriately determined that the factors set forth in *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d. Cir. 1984), demonstrate that dismissal is appropriate;

**THEREFORE**, for the foregoing reasons, and for good cause shown,

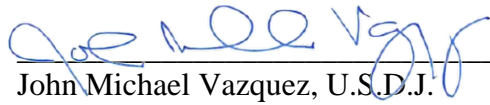
**IT IS** on this 12<sup>th</sup> day of January, 2021,

**ORDERED** that the Report and Recommendation filed November 23, 2020 (D.E. 13) is **ADOPTED** in its entirety and made part of this Order; and it is further

**ORDERED** that Plaintiffs' Complaint hereby **DISMISSED**; and it is further

**ORDERED** that the Clerk of the Court is directed to close this matter; and it is further

**ORDERED** that the Clerk of Court shall serve a copy of this order on Plaintiffs' counsel via certified mail return receipt to the address at which Defendants successfully served a copy of the R&R: Smith Attorneys Group at Law PC, 47 W Polk St Suite 545, Chicago, IL 60605.

  
John Michael Vazquez, U.S.D.J.